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11 Attorneys for Defendants  
12 LENNAR ASSOCIATES MANAGEMENT, LLC;  
LENNAR CORPORATION DBA LENNAR HOMES

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**ERIC GUNDERSEN, on behalf of himself  
and all others similarly situated,**

**Plaintiff.**

**LENNAR ASSOCIATES  
MANAGEMENT, LLC; LENNAR  
CORPORATION dba LENNAR HOMES,  
and DOCS 1 - 10, inclusive.**

### **Defendants.**

**Case No. CV-09-2270 CRB**

**STIPULATION AND [Proposed]  
ORDER TO CONTINUE THE  
ADR DEADLINE AND THE  
FURTHER CASE MANAGEMENT  
CONFERENCE**

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**Stip. and [Proposed] Order to Continue  
the ADR Deadline and Further CMC  
Case No. CV-09-2270 CRB**

1           Subject to the approval of the Court, Plaintiff Eric Gundersen (“Plaintiff”) and defendants  
2 Lennar Associates Management, LLC, and Lennar Corporation dba Lennar Homes  
3 (“Defendants”), through their respective counsel of record, hereby stipulate to the following:

- 4           1. The parties agreed to private mediation of this matter.
- 5           2. The Court ordered the parties to hold their ADR session by December 28, 2009,  
6           which is 140 days from entry of the Court’s Order dated August 10, 2009 (Docket  
7           # 19). The Court also ordered a Further Case Management Conference at 8:30 a.m.  
8           on January 8, 2010. (Docket # 26.)
- 9           3. At the time of the Court’s Order, the parties were working on selecting a mediator.  
10           The parties have since agreed to use David Rotman for mediation.
- 11           4. All parties, including the mediator, Mr. Rotman, are available for mediation on  
12           March 8, 2010.
- 13           5. Accordingly, the parties respectfully request a continuation of the ADR deadline to  
14           March 10, 2010, or a date thereafter, to provide them with an opportunity to  
15           complete mediation.
- 16           6. The parties have been engaged in the limited pre-mediation discovery that was  
17           agreed upon in the parties’ Joint Case Management Statement (Docket # 23). To  
18           date Plaintiff has not been satisfied that the pre-mediation discovery agreed to will  
19           produce information sufficient to allow him to negotiate a class-wide settlement in  
20           good faith. Accordingly, Plaintiff has propounded further discovery. Defendants  
21           disagree and reserve their defenses and objections. Defendants have offered  
22           alternatives to Plaintiff in an attempt to resolve the matter, and the parties will meet  
23           and confer regarding such discovery. Accordingly, an extension of the ADR  
24           deadline will allow the parties to hopefully resolve any discovery disputes and be  
25           better prepared to engage in a meaningful mediation process.

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Stip. and [Proposed] Order to Continue  
the ADR Deadline and Further CMC  
Case No. CV-09-2270 CRB

1           7. The parties also respectfully request a continuation of the Further Case  
2           Management Conference to 8:30 a.m. on April 9, 2010, or a date thereafter that is  
3           available to the Court.

4  
5           Dated: November 2, 2009

Jones Day

6  
7           By: /s/ Aaron L. Agenbroad  
Aaron L. Agenbroad

8           Counsel for Defendants  
9           Lennar Associates Management, LLC and Lennar  
Corporation dba Lennar Homes

10  
11          Dated: November 2, 2009

Hinton, Alfert & Summer  
Bruckner Burch PLLC

12  
13          By: /s/ Aaron D. Kaufmann  
Aaron D. Kaufman  
Richard J. (Rex) Burch

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15          Counsel for Plaintiff  
Eric Gunderson

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17  
18          **ORDER**

19          PURSUANT TO STIPULATION, IT IS ORDERED.

20           hold  
The parties shall ~~not~~ the ADR session by March 10, 2010, ~~or the following later date:~~

21           \_\_\_\_\_.  
22          The Further Case Management Conference presently set for January 28, 2010, is  
23          continued to 8:30 a.m. on April 9, 2010, ~~or the following later date and time:~~

24          \_\_\_\_\_, 2010, at \_\_\_\_\_ a.m. / p.m.

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26          Dated: November 10, 2009

HON. CHARLES R. BREYER

